IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

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**WRIT PETITION NO : 20479 of 2004**

Between:

Kalla Satyanarayana S/o Sanyasi Rao, D. No. 2-10/7 Sujathanagar, Chinna Musudivada Pendurthy, Visakhapatnam district

**..... PETITIONER**

AND

1 The Commissioner, Religious & Endowments Department, Visakhapatnam
2 The Assistant Commissioner, Religious & Endowments Department, Visakhapatnam
3 The Deputy Commissioner, Religious & Endowments Department, Visakhapatnam
4 Sri Emburmanner Swamy Devasthanam rep by Executive Officer, Kanchara Veedhi, Old Town, Visakhapatnam
5 M/s. Sai Theertha Associates, rep by Managing Partner, Smt. A. sailaja Venugopal W/o Venugopal naidu, R/o D. No. 47-1-106, Dwarakanagar, Visakhapatnam
6 Smt. A. Sailaja Venugopal W/o Venugopal naidu Managing Partner of Sri Sai Theertha Associates, R/o D. No. 47-1-106, Dwarakanagar, Visakhapatnam
7 Smt. S. Rukmini Bhangar D/o A.A.S. Naidu Partner of Sri Sai Theertha Associates, R/o D. No. 47-1-106, Dwarakanagar, Visakhapatnam

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, of mandamus or any other appropriate Writ, order or directing the respondents 1 to 4 herein not to alienate or create any 3rd party interest over the

land measuring an extent of 9,680 sq.Yards (Approximately Ac. 2.00 Cents) situate in Sy. No. 12 of Madhurawada Village, Visakhapantam District, by declaring the action of the respondents 1 to 4 in trying to dispose off the property at the behest of Respondets 5 to 7 herein pending adjudication of the interse rights of the petitioner and respondents 5 to 7 herein before competent civil Court as arbitrary, illegal and unconstitutional.

**Counsel for the Petitioner:MR.T.NIRANJAN REDDY**

**Counsel for the Respondents 1 to 3 : GP FOR ENDOWMENTS**

**Counsel for the Respondent No.4 : SMT. INDRANI (S.C. For ENDOWMENTS)**

**Counsel for the Respondents 5 to 7: _____**

**The Court, at the stage of admission, made the following :**

**ORDER:**

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Petitioner seeks a *Writ of Madnamus* or any appropriate writ directing the respondents 1 to 4, not to alienate or create any third party interest over the land measuring 9,680 Sq.yards in Sy.No.12 of Madhurawada Village, Visakhapatnam District.

Petitioner states that the Executive Officer of Emburamanner Swamy Devasthanam, respondent No.4, invited tenders for alienating the said land, and a public auction was held on 23.09.2002. The 6th respondent had emerged as the highest bidder for a sum of Rs.1,00,60,000/-. She is said to have made the necessary deposits.

Petitioner alleges that he entered into a memorandum of understanding with the 6th respondent to the effect that he would contribute a sum of Rs.66,70,000/-, whereas the balance would be paid by the 6th respondent towards the consideration of the land in question. The grievance of the petitioner is that contrary to the memorandum

of understanding, the 6th respondent is remitting the amount and taking steps to obtain the sale deed in her favour. He submits that such a course of action would defeat the rights under the memorandum of understanding.

The 4th respondent filed counter affidavit stating that the 6th respondent emerged as the highest bidder, and in that view of the matter, the petitioner cannot canvass any rights, in relation to the transaction, *vis-à-vis,* the 4th respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments and the learned Standing Counsel for the 4th respondent-temple.

It is not in dispute that the 6th respondent emerged as the highest bidder in the auction held for the sale of the property, referred to above. If the petitioner has entered into any memorandum of understanding with the 6th respondent, he has to work out his remedies in a Civil Court. As of now, the petitioner has not acquired any rights, *vis-à-vis,* Devasthanam or the Government. The sale of the property is purely a matter between Devasthanam and the 6th respondent.

In that view of the matter, no relief can be granted to the petitioner in this writ petition. The same is accordingly dismissed, leaving it open to the petitioner to work out his remedies in a Civil Court. There shall be no order as to costs.

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**L.NARASIMHA REDDY, J**

Dated : 09th December, 2004

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To

1 The Commissioner, Religious & Endowments Department, Visakhapatnam
2 The Assistant Commissioner, Religious & Endowments Department, Visakhapatnam
3 The Deputy Commissioner, Religious & Endowments Department, Visakhapatnam
4 The Executive Officer, Sri Emburmanner Swamy Devasthanam, Kanchara Veedhi, Old Town, Visakhapatnam
5 2CCs to the Government Pleader for Endowments, High

Court Buildings, Hyderabad. (O.U.T)

**5 2CD copies.**